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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,700	09/23/2003	Walker Butler	DC.1006US	2193

7590 05/03/2006
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EXAMINER

ALSOMIRI, ISAM A

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/668,700	Applicant(s) BUTLER ET AL.	
	Examiner Isam Alsomiri	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-11 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group III (claims 7-11 and 15) in the reply filed on February 27, 2006 is acknowledged. The traversal is on the ground(s) that:

Regarding the restriction between groups I and II, applicant argues that "any patent search for both inventions I and II must include similar class and subclass searched related to all of the claims" page 10 of response, applicant listed similar language in all the claims. This is not found persuasive because as explained in the previous office action the combination as claimed does not require the particulars of the subcombination, such as a IFF unit with specific command signals. Also because divergent subject matter, restriction for examination purposes as indicated is proper.

Regarding the further restriction between III and IV, applicant argues similar arguments "Applicants further respectfully submit that the inventions III and IV include claims that define, *inter alia*, the essential characteristics of a single disclosed embodiment of an invention (e.g., surveillance system and IFF unit), and therefore restriction therebetween claims 1-5, 7-11, and 15 should never be required". This is not found persuasive because as explained in the previous office action the group III responsive to surveillance signals exceeding a predetermined power level, and group IV broadcasts repeatedly at predetermined times messages. Therefore, both have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Regarding the further restriction between V, VI, and VII. Applicant also argues similar arguments as above. However, groups V, VI, and VII are usable together but are distinct and can be used separately. Invention V has separate utility such as a radar signal detector responds to surveillance radar main beam and generates commands to transmit data; invention VI has separate utility such as a transmit controller compares the current time with predetermined times of transmission stored in memory to generate commands to transmit data; and invention VII has separate utility such as a bi-directional communication device responds to a received commands and broadcasts a messages. Therefore, the restriction is deemed proper.

The requirement is still deemed proper and is therefore made **FINAL**.

Double Patenting

Claims 7-11 and 15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,816,106 (to Butler). Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Regarding claim 7, claim 1 (Butler) reads on all the limitations of claim 7 except that the IFF unit does not "broadcast repeatedly at predetermined times". However, given claim 1, it would have been obvious to repeat the broadcast at predetermined times to ensure reception by the processing facility.

Regarding claim 15, it is clearly anticipated by claim 7 (Butler).

Regarding claim 8, it is clearly anticipated by claim 3 (Butler).

Regarding claim 9, claim 3 of Butler does not include a GPS receiver with the surveillance unit. However, GPS receivers are well known and are obvious to include for better positioning measurements or for calibrations of the system. Furthermore, compare all measurements and communication such measurements to the other systems for calibration purposes.

Regarding claim 10, Butler does not include the step of correlating the GPS data of both IFF and surveillance systems with the determined relative position determined by the surveillance system. However, this is an obvious method of calibrating the system or for double checking if the measurements are accurate. Many radar systems include determining position of a target by transmitting and receiving reflections and by GPS data to check the accuracy of the system.

Regarding claim 11, include categorization of all reflections and detected objects and locations. However, this step is obvious giving the system of claim 3 (Butler). It would have been obvious to do all types of categorization for easier and quicker surveillance of objects and response if needed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 recites the limitation "said GPS determined locations" in lines 2-4.

There is insufficient antecedent basis for this limitation in the claim. Examiner believes

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claim 10 should depend on claim 9 to clear up the insufficient antecedent bases "said GPS".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isam Alsomiri

April 28, 2006



THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600